

Holtzman Vogel

HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK PLLC

July 16, 2021

Mr. Michael L. Labertew
Labertew & Associates
PO Box 980395
Park City, Utah 84098

Re: Refund request for Ms. Peggy L. Bergmann

SENT VIA EMAIL TO michael@labertewlaw.com

Dear Mr. Labertew:

I am in receipt of your letter regarding Ms. Peggy Bergmann, dated June 28, 2021, to which this letter serves as a response. I am counsel for WinRed, Inc. (hereinafter, "WinRed"). As such, please direct any future communications regarding this matter to me. Also, please note that the June 21, 2021 correspondence that you reference in your June 28, 2021 letter was never received by my client, so this response is not in consideration of that correspondence.

At the outset, WinRed is regretful for Ms. Bergmann's frustration with use of the WinRed platform. We hope the information provided in this letter will be helpful to Ms. Bergmann.

According to WinRed's internal records, Ms. Bergmann made her first contribution through WinRed on August 13, 2019. Ms. Bergmann continued to make contributions over the next two years, often choosing to make these contributions recurring in nature. WinRed has no record of any attempts by Ms. Bergmann to contact WinRed's Donor Service Center for customer support, neither by phone nor by email. As of July 16, 2021, as requested in your June 28, 2021 correspondence, all of Ms. Bergmann's recurring contributions have been cancelled, and her account has been closed.

WinRed's *End User Terms of Use* (the "Terms"), to which Ms. Bergmann agreed to prior to contributing via the platform, provide a great deal of information about managing recurring contributions and requesting refunds. The Terms are located at <https://winred.com/terms/donor-terms/>. In pertinent part, regarding recurring transactions, the *Terms* provide that recurring payments "will continue . . . until you cancel the Recurring Contribution according to the instructions in these terms." Regarding refunds, the *Terms* state that "[WinRed] will use commercially reasonable efforts to accommodate requests for refunds in many situations, but all contributions made on the Platform are final", and WinRed is not under any obligation "to issue a refund unless required by law." The *Terms* further state that "[o]nce a contribution has been processed, [WinRed] is not obligated to refund the Contribution unless required by law." Please note that WinRed is not in possession of the contributions Mrs. Bergmann has made via WinRed, as WinRed, a federal political committee, acted as a conduit and distributed those contributions to

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the recipient committees, pursuant to Mrs. Bergmann's designation, nearly immediately once the funds left Ms. Bergmann's possession. Simply put, the funds you are seeking to be refunded are no longer in WinRed's possession. To the extent that Ms. Bergmann is interested in seeking refunds for contributions made via WinRed, she would need to reach out to the campaigns and committees who were the recipients of the contributions, and request refunds directly from them.

While we are regretful that we can't be of further assistance in securing the requested refunds, hopefully this information has been helpful in clarifying WinRed's purpose and activities with respect to this matter.

Please do not hesitate to contact me should you have any additional questions.

Thank you,

A handwritten signature in black ink, appearing to read 'J. Johnson', with a large, stylized initial 'J'.

Jessica Furst Johnson
Counsel to WinRed, Inc.